



TOWN OF FREETOWN

Zoning Board of Appeals

3 North Main Street - P.O. Box 438
Assonet, MA. 02702 - Phone: (508) 644-2201

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Meeting Minutes - Thursday, August 13, 2020 @ 4:30 PM

A meeting of the Freetown Zoning Board of Appeals was held on Thursday, August 13, 2020 @ 4:30 p.m., at the Council on Aging Pavilion.

PRESENT: Chair James Frates, Robert Jose, Nick Velozo and Swede Magnett

ALSO PRESENT: Catrina Goncalves, Senior Clerk.

ABSENT: None

Meeting called to order at 4:42 PM

MOTION:

Motion made by Nick Velozo to open the public hearing, seconded by Bob Jose. Unanimously approved.

Mr. Velozo recuses himself.

TOPIC: Case# 584 ~ 259 Middleboro Road. Petitioner Jerry Velozo/Twin Boys LLC is requesting a variance to construct a new 2 bedroom, 1 story, single family dwelling at 259 Middleboro Road, East Freetown, Mass. (Assessors Map #222 - Lot #3). The Building Inspector has determined noncompliance with Article 11.3G Street Setback.

Mr. Velozo described the existing dilapidated structure has been unoccupied for 5 or 6 years. He has a letter from an engineering firm stating it is structurally unsound and/or damaged.

Mr. Velozo states the current structure is a foot and a half from the property line and his plan is to tear it down and build a larger structure with a 2 car garage. The new structure is 10 feet longer and less than a foot wider (includes the house and garage). The plan makes the setbacks better on all sides other than Mr. Velozo's side of the property. Public Water is on site, so a Well is not a concern, but he would like to elevate, as the soil is poor and water in the basement is a concern.

The variance request was due to the building not being on the same footprint, since he is moving the original structure over and centering it on the property, but it can go back to the original footprint if needed.

Abutter, Dan Loranger,
257 Middleboro Road:

Mr. Loranger states he agrees with the demolition, as the property has been an eye sore for years and he knows Mr. Velozo maintains his properties. Mr. Velozo states the property is owned by Twin Boys LLC, and he only manages the property.

MOTION:

Motion made by Bob Jose to close public hearing, Seconded by Mr. Magnett. Unanimously approved.

Mr. Frates opines the new structure is an improvement for the neighborhood. Mr. Magnett agrees the structure is dilapidated, and the new building will increase the setbacks. Mr. Jose states the rear setback is not changing.

MOTION:

Mr. Jose makes a motion to grant a variance to Twin Boys, LLC, 259 Middleboro Road, as shown on the plan. Seconded by Mr. Magnett. Unanimously approved.

Mr. Frates calls Call Public hearing to order 4:51PM. Mr. Velozo rejoins the committee.

MOTION:

Motion made by Mr. Velozo to open the public hearing, Seconded by Mr. Jose Unanimously approved.

TOPIC: Case #585 ~ 0 Braley Road and 0 Costa Drive ~ Petitioner Dale F. Knapp, of Boyle Associates is requesting a Special Permit to install a large ground solar farm at Braley Road, Freetown, MA (Map #247 - Parcel #6 (Lot D1) and at 0 Costa Drive (Map #241 Parcel 53), (Lot D2). The Building Inspector has determined these lots do not meet the required frontage of 175 feet, and both are non-buildable lots. (Article 11.3 (A)).

Mr. Dale Knapp, Ian Jewkes and Hamilton Carrier are presenting to the Board.

Mr. Jewkes submits plans for the Board's review. They are seeking approval to use both the Braley Rd and Costa Drive Lots to contain the solar farm project. The Braley Road Parcel (Lot D1) does not have the required frontage of 175 feet, and the Costa Drive Parcel (Lot D2) does have the frontage, but per the Building Inspector, the railroad is not a recognized road for frontage, as stated in his letter dated May 20, 2020, therefore it was also denied.

Mr. Velozo clarifies the identification of both lots as D1, being Braley Rd, Map 247 Parcel 6 and D2 being Costa Drive, Map 241 Lot 53.

Mr. Knapp states they are present to appeal the Building Inspectors decision on Lot D2, as the letter from the Building inspector denied both lots. Mr. Jose states they will need to re-apply for a variance for Lot D1, as it cannot be decided during this meeting.

Mr. Velozo states he does not see an issue with the Parcel 241/53 (Costa Dr.) but does see an issue with 247/6 (Braley Road (D2)

Mr. Jewkes states the difficulty in accessing the lot (D2, Costa Dr) is due to crossing the railway. They have worked with the NBTA, and they have underground sleeve, in order to get power, the noise will be infrequent as there is almost no traffic other than mowing twice a year, or for servicing the equipment.

Mr. Frates states this hearing is only an administrative appeal for lack of frontage for Lot D2,(Costa Dr) as per the Building Inspectors denial, and the Planning Board has their own process and will schedule their own public hearing.

Abutter Robert Enck
4 Costa Drive:

Mr. Enck voices concern regarding frontage on Costa Drive, and the easement near his backyard. Mr. Enck is looking for a guarantee that vehicles are not driving through.

Mr. Frates states the Planning Board can answer to those questions during the next phase, and Mr. Enck can address the Planning Board at their meeting. Mr. Enck states he will attend the Planning Board Meeting.

Abutter Larry Rose
3 Costa Drive:

Mr. Rose questioned the amount of frontage from the cul-de-sac and where the solar panels will be start to be placed, and what the access road will look like. Mr. Knapp states the panels will be placed closer to the tracks. Mr. Jewkes states the panels may be placed roughly 450 ft from the Cul-de-sac.

Mr. Jose states these are preliminary proposals and the Planning Board will have their own requirements, which may change the plans.

Abutter Joe Bosse
6 Costa Drive:

Mr. Bosse questioned if the road is negotiable, as accessing the road would hug the back of his abutting property, and he is concerned about the vehicle noise level, losing the wooded area near his property and questioned if it was possible to go through the wetlands and replicate them elsewhere, instead of the current plan. Lastly, Mr. Bosse states though he is for the solar project, he is against the proposed road and believes the current plans are not conducive to him.

Mr. Jewkes answered they are forced to minimize wetlands impact and Mr. Jose answered this hearing is strictly to decide an Administrative Appeal regarding frontage, the question being asked is outside the scope of this meeting.

Mr. Knapp suggests interacting with the abutters after this meeting to go over the plans as he may be able to incorporate feedback into future plans.

Mr. Velozo states this meeting is to decide on an Administrative Appeal, not a Variance. As the Building Inspector made it complicated by denying both lots, the Petitioner must apply for a Variance for the Braley Rd, D1 Lot, to be decided at another meeting.

MOTION:

Motion made by Mr. Jose to close this public hearing, Seconded by Mr. Velozo. Unanimously approved.

Mr. Velozo states he does not have any questions, as the Administrative Appeal is for only one lot, (Costa Dr., Lot D2), and he believes this lot has enough frontage. A Variance must be applied for Lot D1 (Braley Rd) as it does not have frontage.

Mr. Knapp acknowledged an application for Variance will need to be submitted. (Lot D1, Braley Rd)

MOTION:

Motion made by Mr. Jose to grant the Administrative Appeal on Lot D2, 00 Costa Drive, (Map 241 Parcel 53) and take no action on Lot D1, 00 Braley Rd., (Map 247, Parcel 6) as a Variance must be applied for and decided upon during another meeting. Seconded by Mr. Velozo. Unanimously approved.

TOPIC: Approval of Minutes

To be approved at next meeting or due to the elapsed time, and the majority of members were not present at the last meeting, Chairman Frates may approve the outstanding minutes due to the Rule of Necessity.

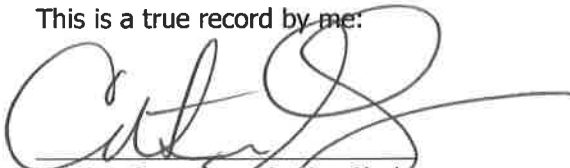
ADJOURNMENT:

MOTION:

Motion made by Mr. Velozo to adjourn the meeting, seconded by Mr. Jose. Unanimously approved.

Meeting adjourned at 5:24 PM

This is a true record by me:



Catrina Goncalves, Senior Clerk